Public Service Staffing Tribunal

2012–13

Report on Plans and Priorities

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Minister of Canadian Heritage
and Official Languages

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Chairperson's Message

I am pleased to submit the 2012–13 Report on Plans and Priorities for the Public Service Staffing Tribunal.

Since the Tribunal was formed in 2005 under the *Public Service Employment Act*, fair and impartial resolution of disputes has been its number one priority.

To this end, our focus remains on resolving complaints related to internal appointments and lay-offs in the federal public service through mediation, settlement conferences and hearings.

To address the challenge of the increasing number and complexity of complaints, the Tribunal will continue to build on its successes by implementing improved processes such as the settlement conference and the telephone/video mediation conference; and by developing more efficient business practices, such as the new pilot for an expedited hearing process.

These on-going improvements simplify the complaint resolution process, improve its timeliness and help ensure that parties to a complaint make good use of dispute resolution mechanisms available.

As we continue to provide the parties with opportunities to resolve complaints effectively and deliver decisions that are fair, consistent and well-reasoned, the Tribunal is fostering a greater understanding of the staffing regime and contributing to improving staffing and employee relations in the Public Service.

Guy Giguère
Chairperson and Chief Executive Officer

Section I

Organizational Overview

Raison d'être

The Public Service Staffing Tribunal is an independent, quasi-judicial body established under the *Public Service Employment Act* (PSEA) to address complaints related to internal appointments and lay-offs in the federal public service. The Tribunal conducts hearings, settlement conferences and mediation sessions in order to resolve complaints. In fulfilling its mandate, the Tribunal fosters fair and transparent staffing practices, contributes to a public service that is based on merit, embodies linguistic duality and human rights, and strives for excellence.

Responsibilities

The Tribunal derives its mandate from the PSEA and is responsible for the impartial and timely consideration and disposition of complaints submitted under the Act with respect to internal appointment and lay-off processes in the Government of Canada.

By providing transparent, impartial and sound decision-making for complaints, as well as the support necessary to help parties resolve staffing disputes as informally as possible, the Tribunal is both accessible and responsive to its stakeholders – namely, deputy heads, human resources specialists, bargaining agents and public servants – and contributes to the effective management of human resources to the benefit of federal public service departments and agencies, managers, employees and Canadians at large.

Strategic Outcome and Program Activity Architecture (PAA)

To support its ongoing mandate and to continue delivering results for Canadians, the Tribunal has the PAA structure below. The Tribunal's strategic outcome of fair and impartial resolution of disputes related to internal appointments and lay-offs in the Government of Canada will be supported by one program activity: adjudication and mediation of complaints filed under the PSEA, and internal services.

Strategic Outcome	Fair and impartial resolution of disputes related to internal appointments and lay-offs in the Government of Canada
Program Activities	Adjudication and mediation of complaints filed under the *Public Service Employment Act*
	Internal Services

Organizational Priorities

In 2011–12 the Tribunal saw a significant increase in the number of files received and the complexity of the complaints that go to a hearing. The increasing number and complexity of complaints will continue to impact the Tribunal's workload in 2012–13.

The Tribunal is focused on developing and strengthening processes which ensure greater efficiency and timely responses to high volume of requests for services. To continue in this role and take advantage of successes to date, the following priorities have been identified to help guide service delivery and the Tribunal's decision-making.

Priority	Type[1]	Strategic Outcome
Efficient, simplified and well-documented processes	Ongoing	Fair and impartial resolution of disputes related to internal appointments and lay-offs in the Government of Canada.

Description

Why is this a priority?

- The optimal utilization of the dispute resolution services by parties ensures that services are relevant, cost-effective and continue to respond to client needs.
- Resolving complaints more efficiently for clients provides value for Canadians by reducing the human and financial resources needed for the process.

Plans for meeting the priority

- Implement new business tools: settlement conference and mediations via telephone or videoconference.
- Launch a pilot for an expedited hearing process to reduce time and cost required.
- Collaborate with the Treasury Board Secretariat Chief Information Officer Branch and quasi-judicial agencies to develop a new enterprise-wide case management system.
- Leverage technology to ensure clients access, understand and make use of the complaint process and dispute resolution mechanisms.

[1] Type is defined as follows: **previously committed to**—committed to in the first or second fiscal year prior to the subject year of the report; **ongoing**—committed to at least three fiscal years prior to the subject year of the report; and **new**—newly committed to in the reporting year of the RPP.

Priority	Type	Strategic Outcome
Timely issuance of reasons for decision	Ongoing	Fair and impartial resolution of disputes related to internal appointments and lay-offs in the Government of Canada.

Description

Why is this a priority?

- The Tribunal decisions must be timely, sound and well-reasoned – overall the Tribunal has set a target of 80% of decisions rendered within four months of a hearing.

Plans for meeting the priority

- Continue to review the practices and process for issuing decisions and identify areas for improvement.
- Implement new business tools: settlement conference and mediations via telephone or videoconference thus allowing for more writing time for members.
- Launch a pilot for an expedited hearing process to reduce time and cost required.

Priority	Type	Strategic Outcome
A workplace where people feel valued and know the importance of their contribution	Ongoing	Fair and impartial resolution of disputes related to internal appointments and lay-offs in the Government of Canada.

Description

Why is this a priority?

- Fostering a workplace where people recognize the value of their contribution and are committed to the Tribunal's values creates a positive culture that motivates employees.

Plans for meeting the priority

- Offer staff development opportunities.
- Implement a code of conduct, values and ethics for employees.
- Optimize internal processes.
- Develop a succession strategy.

Risk Analysis

The Tribunal is faced with both internal and external risks. To minimize the impact of these risks, the Tribunal has put in place some ongoing strategies.

External

• Increased workload and change in nature of cases

As is the case with most administrative tribunals, the unpredictability of the Tribunal's caseload represents a constant challenge. There was a sharp increase in the number of files received in the fiscal year 2011–12 compared with the previous years. Based on this trend we can expect an increase in 2012–13.

To mitigate this risk the Tribunal will plan, develop and implement new processes to deal with potential increases in the number and complexity of complaints.

• Key Reports and Decisions

The Tribunal will review the findings and recommendations of the December 2011 Report on the Review of the *Public Service Modernization Act 2003* and develop and implement measures to improve Tribunal operations and services where appropriate.

For the first time, a Tribunal decision has been appealed to the Supreme Court of Canada. A decision on that case, which is expected in 2012, may have an impact on the Tribunal's case law.

Internal

• Case Management System

The Tribunal will continue to collaborate with the Treasury Board Secretariat Chief Officer Information Branch, and quasi-judicial agencies on developing a possible enterprise-wide solution for a case management system.

However, it is crucial that the Tribunal implement a new case management system within the next 18 months, and therefore will continue to investigate alternative options.

- **Human Resources – turnover of staff and members**

As with many micro-agencies, the Tribunal is faced with challenges in turnover of employees and members, in part due to retirements and career development.

In order to mitigate this risk, the Tribunal will continue to recruit and ensure effective integration of new employees and members and offer learning opportunities.

The Tribunal has an integrated human resources and business plan and is committed to engaging employees and creating a workplace of choice. It will ensure that its succession strategy includes documenting processes and managing corporate information.

Planning Summary

Financial Resources ($ thousands)

2012–13	2013–14	2014–15
5,426	5,426	5,426

Human Resources (Full-Time Equivalent – FTE)

2012–13	2013–14	2014–15
38	38	38

Strategic Outcome: Fair and impartial resolution of disputes related to internal appointments and lay-offs in the Government of Canada

Performance Indicators	Targets
Percentage of complaints referred to judicial reviews on the grounds that the Tribunal failed to observe a principle of natural justice, procedural fairness or other procedure	3%

Planning Summary Table

Program Activity	($ thousands) Forecast Spending 2011–12	Planned Spending 2012–13	2013–14	2014–15	Alignment to Government of Canada Outcomes
Adjudication and mediation of complaints filed under the *Public Service Employment Act*	3,885	3,838	3,838	3,838	Government Affairs: a public service that reflects excellence and leadership.
Total Planned Spending		3,838	3,838	3,838	

Planning Summary Table

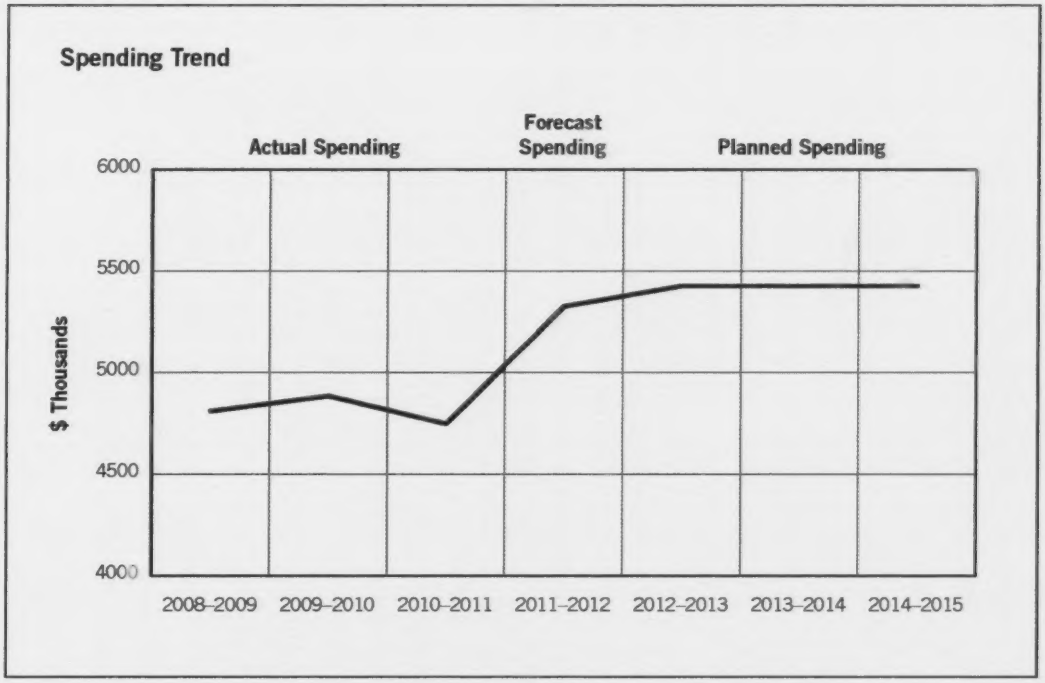
Program Activity	Forecast Spending 2011–12	Planned Spending 2012–13	2013–14	2014–15
Internal Services	1,440	1,589	1,589	1,589
Total Planned Spending		1,589	1,589	1,589

Expenditure Profile

In 2012–13, the Public Service Staffing Tribunal (PSST) plans to spend $5.4 million to meet the expected results of its program activity and contribute to its strategic outcome. In 2009–10, through Budget 2009, the PSST was provided with permanent funding and more recently, received approval from the Treasury Board of an adjustment to a previous funding transfer enabling it to more effectively fulfill its mandate requirements.

Departmental Spending Trend

The figure below illustrates the Tribunal's spending trend from 2008–09 to 2014–15. For the 2008–09 to 2010–11 periods, the total spending includes all Parliamentary appropriation sources: Main Estimates, Supplementary Estimates, transfers from Treasury Board Votes and also includes carry forward adjustments. For the 2012–13 to 2014–15 periods, the total spending corresponds to the planned spending.



Estimates by Vote

For information on our organizational appropriations, please see the 2012–13 Main Estimates publication at: **www.tbs-sct.gc.ca/est-pre/20122013/me-bpd/info/info-eng.asp**

Section II

Analysis of Program Activity by Strategic Outcome

Strategic Outcome

Fair and impartial resolution of disputes related to internal appointments and lay-offs in the Government of Canada.

Program Activity

Adjudication and mediation of complaints filed under the *Public Service Employment Act.*

Program Activity Description

Pursuant to the new *Public Service Employment Act*, the mandate of the Public Service Staffing Tribunal is to consider and dispose of complaints stemming from an internal appointment, the implementation of a corrective measure ordered by the Tribunal, the revocation of an appointment or a lay-off.

In considering whether a complaint relating to an internal appointment or a lay-off is substantiated, the Tribunal may interpret and apply the *Canadian Human Rights Act.* If the Tribunal finds that the complaint is founded, it may order that compensation be paid. The Tribunal may also provide mediation services at any stage of a proceeding in order to resolve a complaint.

Financial Resources ($ thousands)

2012–13	2013–14	2014–15
3,838	3,838	3,838

Human Resources (Full-Time Equivalent – FTE)

2012–13	2013–14	2014–15
28	28	28

Program Activity Expected Results	Performance Indicators	Targets
Tribunal's decisions are timely, sound and well- reasoned	Percentage of decisions where reasons are issued within four months of the hearing	80%
	Percentage of Tribunal decisions upheld on judicial review	95%
Optimal utilization of Tribunal's dispute resolution services by parties	Percentage of mediations resulting in withdrawal of complaint	70%

Program Activity

Internal Services

Program Activity Description

Internal Services are groups of related activities and resources that are administered to support the needs of programs and other corporate obligations of an organization.

These groups are: Management and Oversight Services; Communications Services; Legal Services; Human Resources Management Services; Financial Management Services; Information Management Services; Information Technology Services; Real Property Services; Material Services; Acquisition Services; and Travel and Other Administrative Services.

Internal Services include only those activities and resources that apply across an organization and not to those provided specifically to a program.

Financial Resources ($ thousands)

2012–13	2013–14	2014–15
1,589	1,589	1,589

Human Resources (Full-Time Equivalent – FTE)

2012–13	2013–14	2014–15
10	10	10

Planning Highlights

Settlement conference and mediation via telephone/videoconference

Following a successful pilot in 2011–12, the Tribunal is integrating the use of telephone and videoconferencing for settlement conferences and mediation.

In so doing, the Tribunal has aligned itself with the Government of Canada's new Directive on the Management of Expenditures on Travel, Hospitality and Conferences wherein departments are asked to maximize effectiveness in meeting their organizational mandate while minimizing costs and getting value for money.

Resolving complaints informally not only contributes to improved dialogue but often results in a withdrawal of the complaint. It also allows the Tribunal to reduce the number of hearings held which in turn translates into reduced costs for travel, hearing rooms, interpretation and translation.

Expedited hearing process pilot project

The Tribunal will pilot an expedited hearing process aimed at offering parties the option of an expedited process in certain circumstances. The total hearing time for the process would not exceed one day and may be done through videoconferencing with written reasons issued within a few weeks.

Case management system development

Collaborate with the Treasury Board Secretariat Chief Officer Information Branch and quasi-judicial agencies to develop an enterprise-wide case management system. If necessary, the Tribunal will consider alternative options for developing a case management system.

Human resources

Foster a workplace where people feel valued and know the importance of their contribution by ensuring all employees are aware and understand the Tribunal's objectives in the context of the Tribunal's strategic plan and how they contribute to its achievement.

Continue to ensure appropriate and timely communications; offering learning opportunities for staff and ensuring employees and members have a sound knowledge of the Tribunal's mandate and role within the Government of Canada.

Engage employees by providing awareness of the Tribunal's new mandate and values and by collaboratively developing its new code of conduct, values and ethics.

Internal processes

Leverage information from the case management system to monitor the time for issuing decisions and adjust internal procedures to ensure the optimal use of resources.

Implement Treasury Board Secretariat accessibility and usability directives, standards and tools for web applications.

Ensure succession strategy includes documenting processes and managing corporate information.

Section III

Supplementary Information

Financial Highlights

Future-Oriented Condensed Statement of Operations

For the Year (ended March 31)
($ thousands)

	$ Change	Future-Oriented 2012–13	Future-Oriented 2011–12
Total Expenses	462	6,253	5,791
Total Revenues		0	0
Net Cost of Operations	462	6,253	5,791

Condensed Statement of Financial Position

For the Year (ended March 31)
($ thousands)

	$ Change	Future-Oriented 2012–13	Future-Oriented 2011–12
Total assets	99	483	384
Total liabilities	14	1,041	1,027
Equity	85	(558)	(643)
Total	99	483	384

Future-Oriented Financial Statements

The future-oriented financial highlights presented within this Report on Plans and Priorities are intended to serve as a general overview of the Public Service Staffing Tribunal's financial position and operations. These future-oriented financial highlights are prepared on an accrual basis to strengthen accountability and improve transparency and financial management. The complete set of future-oriented financial statements can be found on the Public Service Staffing Tribunal's website at: **www.psst-tdfp.gc.ca/article.asp?id=5070**

List of Supplementary Information Tables

All electronic supplementary information tables found in the *2012–13 Reports on Plans and Priorities* can be found on the Treasury Board of Canada Secretariat website at: **www.tbs-sct.gc.ca/rpp/2012-2013/index-eng.asp**

- Greening of Government Operations
- Horizontal audits

The Tribunal will be working collaboratively with the Office of the Comptroller General on three horizontal internal audits: Effectiveness and Efficiency of Information Management, Integrated Business and Human Resources Planning and Analysis, and Performance Management.